

FEDERAL CIRCUIT COURT OF AUSTRALIA

KAUR v MINISTER FOR IMMIGRATION & ANOR

[2014] FCCA 2947

Catchwords:

MIGRATION – Partner (Temporary) (Class UK) visa – whether parties were in a spousal relationship – examination of factual basis for claims that applicant and her sponsor were spouses – determination by tribunal that applicant and her sponsor were not in a spousal relationship at the time the visa application was made – applicant did not meet cl.820.211(2) – no jurisdictional error – application dismissed.

Legislation:

Migration Act 1958, ss.5F, 5F(3), 5F(2)(a), 5F(2)(b), 5F(2)(c), 5F(2)(d)

Migration Regulations 1994, cl.820.211(2), 820.211(2)(a), 820.221, reg.1.15A, 1.15A(1), 1.15A(3)

Applicant:	PARAMJIT KAUR
First Respondent:	MINISTER FOR IMMIGRATION & BORDER PROTECTION
Second Respondent:	MIGRATION REVIEW TRIBUNAL
File Number:	BRG 671 of 2014
Judgment of:	Judge Jarrett
Hearing date:	28 November 2014
Date of Last Submission:	28 November 2014
Delivered at:	Brisbane
Delivered on:	19 December 2014

REPRESENTATION

The applicant appearing on her own behalf

Solicitor for the First Respondent: Ms Slack

Solicitors for the First Respondent: Sparke Helmore

The second respondent entered a submitting appearance

ORDERS

- (1) The application filed on 29 July, 2014 be dismissed.
- (2) The applicant pay the first respondent's costs of and incidental to the application fixed in the sum of \$5800.
- (3)

FEDERAL CIRCUIT COURT

OF AUSTRALIA

AT BRISBANE

BRG 671 of 2014

PARAMJIT KAUR

Applicant

And

MINISTER FOR IMMIGRATION & BORDER PROTECTION

First Respondent

MIGRATION REVIEW TRIBUNAL

Second Respondent

REASONS FOR JUDGMENT

1. By her application filed on 29 July, 2014 the applicant seeks that a decision of a migration review tribunal made on 27 June, 2014 be quashed. She seeks no further relief, although presumably she wishes the Court to have the matter returned to a migration review tribunal so that her application for a Partner (Temporary) (Class UK) visa might be determined according to law.
2. The first respondent opposes the application. The second respondent has entered a submitting appearance.

Background

3. The applicant is a citizen of India. She arrived in Australia on 18 April, 2009 as the dependant spouse of her then husband who was the holder of a Student (Class TU) visa. She divorced her husband on 8 February, 2011.
4. On 4 September, 2013 the applicant applied for a Partner (Temporary) (Class UK) visa. That application was received by the first respondent's department on 6 September, 2013. In that application, she claimed that she had met Mr Amardeep Amardeep on 25 May, 2013 and that they "became committed to a shared life together to the exclusion of all others on that date". Mr Amardeep, who had become an Australian citizen on 26 January, 2013, married the applicant on 8 July, 2013. It was on the basis of the applicant's claimed relationship with Mr Amardeep that she sought the issue of the relevant visa.
5. On 13 November, 2013 a delegate of the first respondent refused to grant to the applicant the visa for which she had applied.
6. The applicant applied to a migration review tribunal for review of the delegate's decision. The applicant sent to the tribunal a letter (received by it on 7 February, 2014) wherein she told the tribunal that her husband had developed clinical depression and suicidal tendencies following receipt of the delegate's decision. She provided a letter from a doctor in support of her assertions.
7. The tribunal formed the view that it could not grant to the applicant the visa on the material that it had before it. Accordingly, it invited the applicant to attend before the tribunal to provide evidence and make submissions in support of her application. The hearing invitation, issued on 17 March, 2014, informed the applicant that the tribunal had considered the material before it and that it was unable to make a favourable decision on that material alone.
8. A hearing took place on 6 May, 2014. The applicant provided a number of further documents in support of her application and made submissions in support of it. However, on 27 June, 2014 the tribunal affirmed the delegate's decision to refuse the visa.

The tribunal's decision

9. The tribunal correctly recorded that at the time the applicant applied for her visa the class UK visa contained only one subclass – subclass 820 (Partner (Temporary)). The criteria for the grant of that visa were set out in Part 820 of Schedule 2 to the *Migration Regulations 1994*.
10. The tribunal correctly recorded that clauses 820.211(2)(a) and 820.221 required that at the time of the visa application and at the time of the decision on that application, the applicant be the spouse or de facto partner of an Australian citizen or an Australian permanent resident or an eligible New Zealand citizen. The tribunal correctly identified that the applicant claimed to be the *spouse* of her sponsor, who was an Australian citizen.
11. The word *spouse* where it appears in clauses 820.211(2)(a) and 820.221 does not bear its ordinary meaning but is defined in s.5F of the *Migration Act 1958*. That definition provides:

Spouse

(1) For the purposes of this Act, a person is the spouse of another person if, under subsection (2), the 2 persons are in a married relationship.

*(2) For the purposes of subsection (1), persons are in a **married relationship** if:*

(a) they are married to each other under a marriage that is valid for the purposes of this Act; and

(b) they have a mutual commitment to a shared life as husband and wife to the exclusion of all others; and

(c) the relationship between them is genuine and continuing; and

(d) they:

(i) live together; or

(ii) do not live separately and apart on a permanent basis.

(3) The regulations may make provision in relation to the determination of whether one or more of the conditions in

paragraphs (2)(a), (b), (c) and (d) exist. The regulations may make different provision in relation to the determination for different purposes whether one or more of those conditions exist.

Note: Section 12 also affects the determination of whether the condition in paragraph (2)(a) of this section exists.

12. Section 5F(3) engages reg.1.15A. That regulation sets out the arrangements for the purpose of determining whether one or more of the conditions in ss.5F(2)(a), (b), (c) and (d) of the Act exist: reg. 1.15A(1). When considering the grant of a Partner (Temporary) (Class UK) visa, the Minister *must* consider all of the circumstances of the relevant relationship, including the matters set out in reg.1.15A(3): reg.1.15A(2).

13. Regulation 1.15A(3) provides:

(3) The matters for subregulation (2) are:

(a) the financial aspects of the relationship, including:

(i) any joint ownership of real estate or other major assets; and

(ii) any joint liabilities; and

(iii) the extent of any pooling of financial resources, especially in relation to major financial commitments; and

(iv) whether one person in the relationship owes any legal obligation in respect of the other; and

(v) the basis of any sharing of day-to-day household expenses; and

(b) the nature of the household, including:

(i) any joint responsibility for the care and support of children; and

(ii) the living arrangements of the persons; and

(iii) any sharing of the responsibility for housework; and

(c) the social aspects of the relationship, including:

(i) whether the persons represent themselves to other people as being married to each other; and

(ii) the opinion of the persons' friends and acquaintances about the nature of the relationship; and

(iii) any basis on which the persons plan and undertake joint social activities; and

(d) the nature of the persons' commitment to each other, including:

(i) the duration of the relationship; and

(ii) the length of time during which the persons have lived together; and

(iii) the degree of companionship and emotional support that the persons draw from each other; and

(iv) whether the persons see the relationship as a long-term one.

14. The tribunal correctly recorded that the applicant and her sponsor Mr Amardeep, were validly married for the purposes of the Migration Act. According to the marriage certificate before the tribunal, they married at the Payneham Tavern, Royston Park, South Australia on 8 July, 2013.
15. The tribunal considered the other requirements to which it was necessary for it to turn its mind, so as to determine whether the applicant and Mr Amardeep were spouses for the purposes of the Migration Act.
16. Initially, the tribunal considered evidence before it about the inception and development of the relationship between the applicant and Mr Amardeep. The tribunal was concerned that the evidence that the applicant provided in her application for her visa concerning the development of her relationship with Mr Amardeep was at odds with the information about those matters that she provided to the tribunal at the tribunal's hearing. In the application, she had asserted that she and Mr Amardeep first met on 25 May, 2013, that they did so in Adelaide and that they committed to a life together to the exclusion of all others

on 25 May, 2013. Mr Amardeep provided similar information in a sponsorship form that he was required to complete for the purposes of Ms Kaur's application. However, the tribunal recorded that both the applicant and Mr Amardeep gave evidence, at the hearing before the tribunal, that they first met on 25 May, 2013 at the place where Mr Amardeep was then living at Moorooka in Brisbane. The tribunal formed the view that the information at the hearing was inconsistent with the information on the initial visa application form and the sponsorship form.

17. The tribunal raised that matter with the applicant at the hearing and according to the tribunal's reasons, the applicant referred "in particular to the sponsor's illness and depression" as an explanation of the inconsistency. Mr Amardeep's recollection was not accurate.
18. The tribunal noted that there were two letters from Dr Vinit Sawhney stating that Mr Amardeep had been diagnosed with a major depressive disorder. One letter was dated 25 January, 2014 and the other was dated 15 March, 2014. The tribunal recorded that the letters provided limited information about Mr Amardeep's symptoms and the effect of those symptoms upon him. The tribunal was not satisfied that Mr Amardeep's condition, whatever it was, was such as to prevent him from actively entering basic relationship details in the forms completed for the purposes of the applicant's visa application. The tribunal rejected the applicant's explanation for the inconsistency between what appeared in the application forms and what the applicant and Mr Amardeep said at the tribunal hearing.
19. The applicant's case was that her marriage to Mr Amardeep was arranged by her parents and Mr Amardeep's parents. They all lived in India. Both she and Mr Amardeep were Sikhs and she claimed that it was common for arranged marriages to occur in Sikh culture.
20. The tribunal accepted that proposition but qualified that acceptance by saying: "although it is by no means that [sic] inevitable that Sikh marriages are arranged". The tribunal referred to a report from the BBC to the effect that whilst marriages between Sikhs might be arranged and assisted by parents, that was not necessary and some Sikhs might meet directly and marry. The tribunal also had regard to

an article which it described as being “on the website of the Sikh missionary society UK”.

21. The tribunal next turned its mind to whether the applicant’s marriage, namely a marriage conducted by a celebrant in a Tavern in Adelaide, was consistent with a Sikh “traditional marriage arranged by traditional Sikh parents”. The tribunal noted certain inconsistencies in the applicant’s evidence about her wedding ceremony and some photographs that had been provided to the tribunal of that ceremony. The tribunal considered that being married according to civil rites by a celebrant in a tavern in Adelaide, was not consistent with a Sikh traditional marriage arranged by traditional Sikh parents. The tribunal: “finds that the circumstances of the wedding do not sit comfortably with the claims about a union arranged by family according to Sikh culture and tradition”.
22. The tribunal observed that there was an absence of evidence of social recognition by family of the applicant and Mr Amardeep in respect of the applicant’s marriage. The tribunal also noted a lack of evidence of recognition of the applicant and Mr Amardeep’s spousal relationship by their families in India.
23. According to the applicant’s evidence, there was but a short period between when the parties claim they first met (25 May, 2013) and when they married on 8 July, 2013. The tribunal recorded the applicant’s evidence that they had met for three days in Brisbane and that Mr Amardeep had then arrived in Adelaide on the day prior to their wedding.
24. However, the tribunal determined that the applicant and Mr Amardeep failed “to maintain a consistent account of the development of the relationship”. The tribunal had regard to certain telephone records and accepted that there was some contact between the applicant and Mr Amardeep before they got married. However, it rejected the applicant’s claims about the inception and development of the relationship including their claims about the marriage being based on traditional arrangements by their parents.
25. The tribunal referred to the reports provided by the applicant in respect of Mr Amardeep’s mental health. The tribunal referred particularly to

the letter of 25 January, 2014 from Dr Sawhney which recorded, according to the tribunal, certain matters which must have been told to Dr Sawhney by Mr Amardeep and the applicant. According to the tribunal, the letter from Dr Sawhney did little to support the account provided by the applicant as to how the parties' relationship developed. The tribunal considered Dr Sawhney's letters carefully, but did not accept that those letters corroborated the claims made by the applicant and Mr Amardeep about the inception and development of their relationship and especially about how their marriage was arranged by their families.

26. The tribunal then turned to consider the financial aspects of the relationship. It recorded that evidence had been provided of a joint bank account which had a nil opening balance on 18 September, 2013. The account did not achieve a positive balance until a \$50 deposit was made on 9 November, 2013. There were no withdrawals from the account until a withdrawal of \$10 on 25 November, 2013. The delegate's decision on the applicant's application was made on 13 November, 2013. The tribunal considered that little use was made of the joint bank account until the parties had been notified of the refusal of the visa application by the delegate. The tribunal concluded that the existence of the joint bank account did little to indicate any combining of financial resources at the time of the application.
27. The tribunal recorded the applicant's evidence about the accommodation arrangements between her and Mr Amardeep. The tribunal accepted that the parties were sharing their expenses in that one of them was meeting accommodation costs and the other was meeting outgoings in relation to their living expenses. The tribunal also accepted that the parties used a joint account following the refusal of the applicant's visa application by the delegate but rejected the applicant's explanation as to why that joint account was not used prior to that time. The tribunal found the evidence that was before it concerning the parties' financial relationship was of limited value.
28. The tribunal considered the nature of the applicant's and Mr Amardeep's household. After reviewing the evidence about the parties' household arrangements, and despite some reservations about that evidence, the tribunal accepted that after the marriage the applicant

came to live in Brisbane and lived with Mr Amardeep. The tribunal accepted that they lived in a series of share houses at Moorooka, Annerley and Acacia Ridge. However, the tribunal concluded from the evidence, that the applicant and Mr Amardeep did not develop an independent household but have lived together in a number of share house arrangements. In the context of those share house arrangements the tribunal accepted the applicant may do some housework.

29. The tribunal turned to the social aspects of the parties' relationship. The tribunal considered the applicant's evidence about the number of guests that attended the applicant's and Mr Amardeep's wedding and the nature of the relationship of those guests to the parties to the wedding. The tribunal was concerned that so few people attended the applicant and Mr Amardeep's wedding. After discussing that evidence, the tribunal considered "the very limited nature of the wedding ceremony to be of some significance".
30. The tribunal noted that the evidence before the tribunal of planning and undertaking joint social activities by the applicant and Mr Amardeep was also very limited. The tribunal took into account in this respect, Mr Amardeep's mental health condition including his psycho-social issues and social isolation. The tribunal noted the lack of evidence of social recognition by the applicant's family or Mr Amardeep's family, of the asserted relationship between the applicant and Mr Amardeep. The tribunal considered that matter significant even having regard to the fact that, with the exception of one person, the parties' families were in India.
31. The tribunal considered a number of statements provided by the applicant from people in support of her claims. The tribunal had regard to those matters as well as repeating its references to the letters from Dr Sawhney in respect of Mr Amardeep's mental health. The tribunal accepted that the applicant had provided to Mr Amardeep some support in respect of his mental health.
32. The tribunal then turned to summarise the nature of the commitment between the applicant and Mr Amardeep. As to that, the tribunal said:

62. With regard to the nature of the commitment, the Tribunal notes that the applicant and Mr Amardeep claim to have

developed a commitment to each other in a very short period based on an arranged marriage. The Tribunal has not accepted their evidence about this and finds that there is a lack of a convincing evidence in relation to how they came to have developed a mutual commitment at the time of the visa application. The Tribunal finds this to be the case even having regard to the fact that it has accepted that they started living together prior to the date of application. There is limited evidence in relation to the time of application.

33. (faithfully reproduced)

34. The tribunal then summarised its conclusions in paragraph 64 and 65 of its decision as follows:

64. The Tribunal has carefully considered all the circumstances and weighed all of the relevant factors but is ultimately not satisfied on the evidence before it that the parties had a mutual commitment at the date of the visa application. As set out above, the Tribunal finds that there is limited evidence in relation to the financial aspects at the time of application, although it notes that the applicant and Mr Amardeep may have limited means. While the Tribunal had some reservations in this regard, it accepts that the applicant and Mr Amardeep have now lived together in a number of share houses and that the applicant has undertaken housework in this share house context. With regard to the social aspects, the Tribunal accepts that there were some guests in attendance at the wedding but attaches some significance to the nature of the wedding celebration as discussed above (although it is conscious that this occurred prior to the date of the visa application). The Tribunal attaches some weight to the lack of evidence of social recognition by family. It has had regard to the evidence of social recognition by a number of friends but found this evidence to be limited and ultimately outweighed by other matters. The Tribunal has had regard to the evidence of Dr Sawhney, although it has found that Dr Sawhney is largely reliant on information about the relationship provided by Mr Amardeep and the applicant. The Tribunal has had regard to Mr Amardeep's statement that he loves the applicant. It has had regard to the evidence concerning assistance that the applicant has provided to Mr Amardeep in relation to his mental illness, particularly in the period since the visa refusal.

65. However, having weighed up all the evidence, the Tribunal is ultimately not satisfied that, at the time of the visa application, the applicant and Mr Amardeep had a mutual commitment to a

shared life as husband and wife or that the relationship was genuine and continuing. Although the parties may have commenced living together after the wedding, the Tribunal has not accepted their evidence about the development of the relationship. It finds that there is a lack of credible and convincing evidence concerning the development of their relationship and their claimed mutual commitment at the time of the visa application. They claim to have developed a commitment in a short period of time in the context of an arranged marriage but the Tribunal has not accepted their evidence in this regard. It has found the lack of evidence of recognition by family to be significant. The Tribunal has had regard to the limited evidence in relation to the financial aspects at the time of application. It has considered the evidence in relation to the social aspects and the nature of the household. It has considered the nature of the commitment. However, even accepting that the applicant has subsequently provided some support to Mr Amardeep in relation to his mental illness as discussed above, the Tribunal is not satisfied on the evidence before it that the applicant and sponsor had developed a mutual commitment at the time of the visa application. Having carefully considered all the evidence, the Tribunal is not satisfied that the applicant and Mr Amardeep had a mutual commitment to a shared life as husband and wife at the time of the application, or that there was a genuine and continuing relationship at that time. In reaching this conclusion, the Tribunal has had regard to the principle set out in Bretag v Immigration Review Tribunal (Federal Court, 29 November 1991, unreported) that evidence of events subsequent to the visa application may be taken into account if it tends to logically show the existence or non-existence of the relationship at that particular time. However, even having regard to events subsequent to the visa application, the Tribunal is not satisfied on the evidence before it that the requisite mutual commitment or a genuine and continuing relationship were in existence at the time of the visa application.

The grounds of review

35. Ms Kaur's grounds of review are set out in a rather discursive style and are more in the nature of submissions. I set them out in full:

Member made error in the decision. As per member I failed to satisfy Clause 820.211(2) and Clause 820.211 of Migration Act. Tribunal member failed to put weight on the evidence provided to tribunal and interestingly have considered material like a BBC documentary as evidence to rely on its judgment. In this case

Tribunal member has not given enough weight on Mental Health of sponsor who is an Australian Citizen but went ahead to challenge report of a Clinical Psychiatrist stating He gives little weight to it.

There are several errors in the decision of Tribunal member. Member seems biased while making decision of my application.

- *In Paragraph 41-43: Tribunal Member stated that we are legally married and our marriage is valid for purpose of the Act S.5F(2)(a). Further stating that in our interview we both stated that we met in Brisbane on 25th may but in application form it was mentioned 25th may in Adelaide. My Husband helped me in filling the forms and we made a genuine mistake while filling the application. My husband was also in depression. I did admit error to tribunal. After this question another question in application form asked our marriage date and place of marriage which was in Adelaide so by mistake even on earlier question Adelaide was mentioned. We did admit this was an error in filling up form but that does not mean that we are not committed to each other or in a genuine relationship.*

- *In paragraph 44: Tribunal member in relation to letters of Dr Sawhney stated that Doctor has made “reference to some Depressive Symptom”. I believe Tribunal member either didnot go through the Letters or failed to understand the language of letter which clearly stated that my husband is “DIAGNOSED with MAJOR DEPRESSIVE DISORDER”. This clearly shows Tribunal member failed to put weight on the evidence provided to it. Member basically failed to understand that fact that my husband is “DIAGNOSED with MAJOR Depressive DISORDER”. This case is affecting mental Health of my husband. It takes time for tribunal to process application as My husband health was getting worse We requested Tribunal to give us hearing at earliest which was accepted by tribunal. During the hearing member failed to understand “DIAGNOSED” is different from some reference to depression.*

- *In Paragraph 45-46: Member stated that “According to reports from BBC Tribunal has regard to all evidence. However it considers that being married by a celebrant in Tavern in Adelaide is not consistent with sikh traditional marriage arranged by traditional sikh parents”*

Tribunal member considered a BBC report as evidence. It also mentioned an article on a sikh missionary website. A BBC report and an article were used as evidence to judge my relationship

with my Husband. I had informed member that it was an arranged marriage. I spoke to my husband several times over phone and met him in person, stayed for 3 days in Queensland and after that marriage date was booked. My marriage happened because we liked each other. Member actually saw a BBC documentary and goggled a article and considered as evidence.

“Marriage by a celebrant in Tavern in Adelaide is not consistent with Sikh Traditional Marriage” Australia is governed by Australian law or Sikhs? Everyone in Australia who gets married is done in according to Marriage act 1961. Member seems to be unaware by law of land. Most of my sikh friends got married in same way in Australia so according to member that is wrong and their marriage should not be valid/right for Sikhs. Member failed to quote any qualification about marriage act or about sikh religion which he used to come to conclusion. Member instead used BBC documentary and an Article to judge about validity of my marriage according to sikhs.

- In paragraph 50: Tribunal member acknowledge that on one of letter Psychiatrist found my husband “DIAGNOSED with depression” but further stated that he gives little weight on the letter as Doctor would have Diagnosed based on information given by myself and my husband. Tribunal member gave little weight because according to him Diagnosis done by a qualified Clinical Psychiatrist is not right. Member failed to provide any Medical qualifications to prove his expertise in the matter which he used to come to conclusion. I believe all Psychiatrist listed to their clients, have their own test/questioner and their own method to diagnose a client. As per member Clinical Psychiatrist who is qualified is not right. Initially member stated there is some “reference to depression” now he said Diagnosed with Depression but I will put little weight as I believe the method of Diagnosis is wrong. Member seems to have more knowledge in medical field than Doctor.*

- In paragraph 51-64: I had informed member that My husband is working part time. In financial aspect of relationship, I am dependent on my husband. He earns less but still supports me. We do not have healthy bank accounts or big investments. We can't afford to have big parties. So does that mean that we are not committed to each other. One has to be rich or have full time job or bank balance to prove financial aspect. My husband works part time and still supports me is nothing. I did not find this mentioned anywhere in Migration act 1958 which states that minimum balance or money has to be there to satisfy financial aspect.*

- *Bretag vs Immigraiton review tribunal (Federal Court, 29/11/1991) BRETAG existence of circumstance later can collaborate with circumstance initially. My husband was also suffering from depression which was related to my visa initially.*

36. (faithfully reproduced)

37. The first respondent submits that the applicant's grounds of review in reality, raise two matters. The first is that the tribunal failed to put weight on the evidence provided to it by the applicant and instead placed too much weight on the BBC documentary (to which I have earlier referred in these reasons). She also argues that the tribunal did not give enough weight to the reports of Dr Sawhney.
38. I accept the first respondent's submissions that this ground does not reveal any jurisdictional error in the tribunal's decision. It is for the tribunal to identify the material that it finds relevant to its reasoning and to give it appropriate weight.
39. The applicant did not attempt to argue that the findings that were made by the tribunal were not open to it on the evidence. In my view, the findings made by the tribunal were open to it. The tribunal identified all of the evidence before it, but after weighing that evidence, concluded the ultimate issue against the applicant. The tribunal was not obliged to give any greater weight to the applicant's evidence or claims than it did. The weighing of the evidence before it was matter entirely for the tribunal. The tribunal adequately described the process by which the evidence was considered and weighed.
40. The first respondent identifies the second ground relied upon by the applicant as "several errors" in the tribunal decision. As to this ground, the applicant's claims of "several errors" amounts to nothing more than a complaint that the tribunal did not accept her claims and evidence. The errors asserted by the applicant that the tribunal member has accorded certain evidence more weight than was appropriate and not given other evidence sufficient weight are not errors, but questions of the way in which the tribunal assessed the evidence before it. The tribunal was entitled to form its own view about her claims and the evidence. The tribunal explained why it came to the conclusions that it did.

41. The first respondent suggests that this aspect of the applicant's grounds may also be taken to be an allegation of bias on behalf of the tribunal. However, having regard to the tribunal's reasons for decision in my view no actual, or apparent bias, is evident. The tribunal recorded in detail the applicant's claims and evidence and gave detailed reasons for the approach that it took to the applicant's claims. The tribunal's reasons for decision expose the paths down which the tribunal journeyed to its conclusion.
42. The findings made along the way by the tribunal were open to it on the evidence and the conclusions reached by the tribunal were conclusions which were readily open having regard to the findings made by the tribunal.

Conclusion

43. The applicant's grounds of review as set out in her application do not reveal any jurisdictional error on the part of the tribunal. Additionally, examination of the tribunal's decision does not reveal jurisdictional error.
44. In those circumstances, the application filed 29 July, 2014 must be dismissed with costs.

I certify that the preceding forty-one (41) paragraphs are a true copy of the reasons for judgment of Judge Jarrett delivered on 19 December, 2014.

Associate:

Date: 19 December 2014